

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

OTTO CANDIES, LLC

Plaintiff,

- against -

CONSTRUCCIONES MECANICAS
MONCLOVAS, S.A. DE C.V.,

Defendant,

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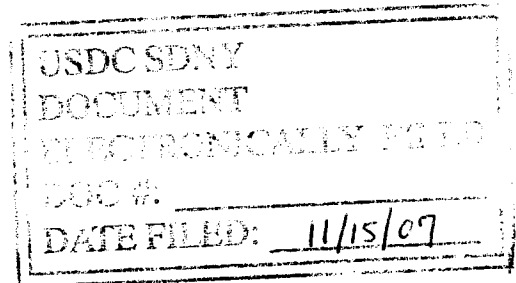
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JUDGE KOELTL

07 CIV 9825
07 Civ.



EX PARTE ORDER FOR PROCESS OF MARITIME ATTACHMENT

WHEREAS, on November 6, 2007, Plaintiff Otto Candies, LLC, filed a Verified Complaint herein for damages amounting to \$1,538,083.00 exclusive of interest, costs and reasonable attorneys fees, and praying for the issuance of Process of Maritime Attachment and Garnishment pursuant to Rule B for the Supplemental Admiralty Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure; and

WHEREAS, the Process of Maritime Attachment and Garnishment would command that the United States Marshal or other designated process server attach any and all of the Defendant's property within this District of this Court; and

WHEREAS, the Court has reviewed the Verified Complaint and the Affidavit in Support, and the conditions of Supplemental Admiralty Rule B appearing to exist; it is hereby

ORDERED, that Process of Maritime Attachment and Garnishment shall issue

against all tangible and intangible property belonging to, claimed by, or being held for the Defendant by any garnishees within this District including but not limited to, ABN Amro, American Express Bank, Bank of America, Bank of New York, Citibank, Deutsche Bank A.G., HSBC (USA) Bank, J.P. Morgan Chase, Standard Chartered Bank, Wachovia Bank, N.A., the Clearing House Interbank Payment System, LLC, and/ or the New York Clearing House Association, LLC. in an amount up to and including \$1,538,083.00, pursuant to Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure; and it is further

ORDERED that any person claiming an interest in the property attached or garnished pursuant to said Order shall, upon application to the ^{Court,} ~~Court~~, be entitled to a prompt hearing at which the Plaintiff shall be required to show cause why the attachment and garnishment should not be vacated or other relief granted; and it is further

ORDERED that supplemental process enforcing the Court's Order may be issued by the Clerk upon application without further Order of the Court; and it is further

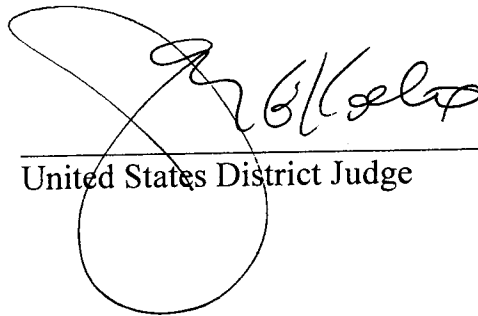
ORDERED that following initial service by the United States Marshal or other designated process server upon each garnishee, that supplemental service of the Process of Maritime Attachment and Garnishment, as well as this Order, may be made by way of facsimile transmission to any garnishee that advises plaintiff that it consents to such service; and it is further

ORDERED that service on any garnishee as described above is deemed effective continuous service throughout the day from the time of such service through the opening of the garnishee's business the next business day; and it is further

ORDERED that pursuant to the Federal Rules of Civil Procedure 5(b)(2)(D) each garnishee may consent, in writing, to accept service by any other means; and it is further

ORDERED that a copy of this Order be attached to and served with said Process of Maritime Attachment and Garnishment.

Done this 9TH day of November, 2007
New York, New York



United States District Judge